

SEALED


BY ORDER OF THE COURT

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at WINCHESTER

FILED

2001 DEC 11 P 5:30

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
TYSON FOODS, INC.,)
ROBERT HASH,)
GERALD LANKFORD,)
KEITH SNYDER,)
TRULEY PONDER,)
SPENCER MABE, and)
JIMMY ROWLAND,)
)
Defendants.)

U.S. DISTRICT COURT
EASTERN DIST. TENN.
BY  DEP. CLERK
4:01-CR- 61
(JUDGE Edgar)

INDICTMENT

COUNT ONE

[CONSPIRACY TO VIOLATE IMMIGRATION AND OTHER LAWS]
(18 U.S.C. § 371)

1. The Grand Jury charges that from in or about 1994, to in or about June 2001, in the Eastern District of Tennessee and elsewhere, the defendants, TYSON FOODS, INC. (frequently hereafter referred to as "TYSON"), ROBERT HASH, GERALD LANKFORD, KEITH SNYDER, TRULEY PONDER, SPENCER MABE, and JIMMY ROWLAND, did unlawfully and knowingly combine, conspire and agree together and with each other, and with other persons whose identities are both known and unknown to the Grand Jury, to commit offenses against the United States; that is:

(a) to cause illegal aliens to be brought to the United States, knowing and in reckless disregard of the fact that said aliens had not received prior official authorization to come to, enter, and reside in the United States, for the purpose of commercial advantage and private financial gain, in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii), and Title 18, United States Code, Section 2;

(b) to cause said illegal aliens to be willfully and unlawfully transported and moved by means of transportation in furtherance of said illegal aliens remaining in the United States in violation of the law, knowing and in reckless disregard of the fact that said aliens had come to, entered, and remained in the United States in violation of the law, in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii), and Title 18, United States Code, Section 2;

(c) to cause and aid and abet said illegal aliens to possess documents prescribed by statute and regulations as evidence of authorized stay and employment in the United States, *e.g.*, Social Security cards, knowing said documents to be counterfeited, falsely made, and unlawfully obtained, in violation of Title 18, United States Code, Sections 1546(a) and 2;

(d) to cause the use of, and to use, identification documents, *e.g.* Social Security cards, knowing and having reason to know that said documents were false, for the purpose of satisfying a requirement of Section 274A(b) of the Immigration and Nationality Act, in violation of Title 18, United States Code, Sections 1546(b) and 2;

(e) to cause and aid and abet said illegal aliens to falsely represent, with intent to deceive, numbers to be the Social Security account numbers assigned to them by the

Secretary, when in fact such numbers were not the Social Security account numbers assigned to them, for the purpose of obtaining employment, in violation of Title 42, United States Code, Section 408(a)(7)(B), and Title 18, United States Code, Section 2.

BACKGROUND OF THE CONSPIRACY

2. At all times material hereto, defendant TYSON FOODS, INC. was the world's largest integrated producer, processor, and marketer of poultry and of poultry-based convenience foods, and was responsible for about twenty percent of the chicken sold in the United States. TYSON was a Delaware corporation and was a publicly held company. TYSON was headquartered in Springdale, Arkansas, and produced and marketed poultry, red meat, and other products in eighteen states and three foreign countries. Among its plants were about 57 poultry processing plants nationwide, including one in Shelbyville, Tennessee (hereinafter referred to as the "TYSON Shelbyville plant"). Employees of TYSON numbered about 67,000. TYSON had yearly sales of approximately \$7 billion and a payroll expense of approximately \$1.6 billion annually.

3. At all times material hereto, defendant ROBERT HASH functioned in management positions at the TYSON Shelbyville plant and later functioned as the TYSON Western Division Vice President, Retail Fresh Division, with supervisory responsibilities for four TYSON poultry processing plants: Shelbyville, Tennessee; Noel, Missouri; Center, Texas; and Jacksonville, Florida.

4. At all times material hereto, defendant GERALD LANKFORD functioned in TYSON management positions, including TYSON Human Resources Manager, Retail Fresh Division, with supervisory responsibilities for six TYSON poultry processing plants: Shelbyville,

Tennessee; Jacksonville, Florida; Glen Allen and Temperanceville, Virginia; and Monroe and Wilkesboro, North Carolina.

5. Between approximately September 1990 and May 1995, defendant KEITH SNYDER functioned as Night Shift Supervisor at the TYSON Shelbyville plant; between approximately May 1995 and September 1999, defendant KEITH SNYDER functioned in management positions at the TYSON Temperanceville, Virginia plant; and from approximately the fall of 1999, defendant KEITH SNYDER functioned as the Complex Manager of the TYSON poultry processing plant at Noel, Missouri.

6. At all times material hereto, defendant TRULEY PONDER functioned as the Complex Manager of the TYSON Shelbyville plant.

7. At all times material hereto, defendant SPENCER MABE functioned as Complex Personnel Manager and later functioned as Plant Manager of the TYSON Shelbyville plant.

8. Between approximately January 2000, and December 1, 2000, defendant JIMMY ROWLAND functioned as the Complex Personnel Manager of the TYSON Shelbyville plant.

9. At all times material hereto, at the TYSON Glen Allen, Virginia plant, unindicted coconspirator Charles "Chuck" Cook functioned as the Complex Personnel Manager and unindicted coconspirator Patrick Brunton functioned as a Shift Personnel Manager and thereafter as acting Plant Personnel Manager.

10. At all times material hereto, at the TYSON Monroe, North Carolina plant, unindicted coconspirator Robert L. Sanford, Jr. functioned as the Plant Manager and a known coconspirator functioned as the Complex Personnel Manager.

11. At all times material hereto, at the TYSON Corydon, Indiana plant, unindicted coconspirator Miguel Nolasco functioned as a Plant Superintendent.

12. At all times material hereto, defendants ROBERT HASH, GERALD LANKFORD, KEITH SNYDER, TRULEY PONDER, SPENCER MABE, and JIMMY ROWLAND, and the unindicted coconspirators, as employees of defendant TYSON FOODS, INC., were each acting within the scope of their TYSON corporate management duties and were intending to benefit defendant TYSON FOODS, INC. and themselves in participating in the criminal conspiracy charged herein.

13. At all times material hereto, unindicted coconspirator Amador Anchondo-Rascon, a native and citizen of Mexico and a lawful resident of the United States, functioned as: (a) an illegal recruiter, smuggler, and coordinator of transportation for illegal aliens and (b) a trafficker in fraudulent documents (including, but not limited to, fraudulent Social Security cards and California identification cards) for illegal aliens to be employed fraudulently and illegally at TYSON poultry processing plants in Tennessee, North Carolina, Virginia, and elsewhere. A former employee of the TYSON Shelbyville plant, he operated the Los Tres Hermanos Store in Shelbyville, Tennessee, and referred to himself as the “Jefe de Jefes” (*i.e.*, “the boss of the bosses”).

14. At all times material hereto, United States Immigration and Naturalization Service (hereafter “INS”) Special Agents Benito G. Maldonado (using the undercover names “Benjamin Chavez,” “Benjamin Villegas,” and “Armando Castillo”), Daniel Perales (using the undercover name “Pablo Garza”), Jose Guerrero (using the undercover name “Mario Carlos Mendez”), Juan Flores (using the undercover name “Arturo Chacon”) and other INS special agents, served in

undercover capacities in pursuing an investigation of TYSON and its supervisory and management employees at TYSON corporate headquarters and TYSON poultry processing plants for violating various laws of the United States. In so doing, these federal undercover agents (“UCAs”) performed various acts in their undercover capacities at the direction of the defendants and other coconspirators, including but not limited to:

(a) picking up illegal aliens just north of the Mexican-United States border (which illegal aliens had been recruited by and smuggled across the Mexican-United States border under the direction of unindicted coconspirator Amador Anchondo-Rascon and others) and transporting them, as directed and acquiesced in by the defendants and other unindicted coconspirators, to various TYSON poultry processing plants, including some of those in Tennessee, North Carolina, Virginia, Indiana, Missouri, and Arkansas; and

(b) accepting payments for the transporting of said illegal aliens from TYSON in the form of official TYSON corporate checks which fraudulently represented such payments as legitimate “recruitment” expenses.

15. At all times material hereto, immigration laws of the United States required each employer to complete an Employment Eligibility Verification Form (INS “Form I-9”) for each employee hired after November 1986 (Title 8, Code of Federal Regulations, Section 274a). The Form I-9 included a section to be completed by the employee and a section to be completed by the employer certifying under penalty of perjury that the employee had presented certain documents that established the identity and employment eligibility of the employee. Some of the documents that an employee might present to satisfy the requirements were Social Security

cards, driver's licenses, state-issued identification cards, and resident alien cards issued by the INS. After the forms had been completed by the employee and employer, the employer was required to maintain the completed Form I-9 for at least three years or for one year after the employee was terminated, whichever was later.

16. (a) At certain times material hereto, poultry processing plants of defendant TYSON participated in an Employment Eligibility Verification Program (hereafter "EVP" or "Basic Pilot"). The EVP/Basic Pilot Program consisted of computer software that was provided by the INS. The EVP Program came first and addressed only those employees presenting themselves as legal aliens. The Basic Pilot Program succeeded the EVP Program and addressed all employees, including those presenting themselves as United States citizens. Participation in the EVP/Basic Pilot Program by an employer was voluntary. If properly utilized, the Program was designed to assist an employer in determining the identity and employment eligibility of each prospective employee and to increase the probability that the potential employee does not provide false documents.

(b) Under this EVP/Basic Pilot Program, the employer was able to use a computer software system to verify employment eligibility by submitting certain information from the documents provided by the employee as recorded on the Form I-9. For example: An employee provided a state-issued driver's license and Social Security number or an INS-issued document such as a resident alien card (INS Form I-551, commonly known as a "Green Card") for the Form I-9. The employer would then submit the information contained on the documents into the EVP/Basic Pilot Program which

would advise the employer, based on the data provided on the documents, whether the newly hired employee was authorized for continued employment with TYSON.

(c) If the Social Security number was not issued by the Social Security Office in the name stated on the Social Security card, the EVP/Basic Pilot Program would refer the employer to a secondary inquiry. During a secondary inquiry, if the employee provided an INS-issued document to satisfy the Form I-9 requirements, the employer was required to use that document for the EVP/Basic Pilot Program. If the name on that INS document did not match the name in the database found to be issued by the INS, the EVP/Basic Pilot Program would notify the employer that the employee was not eligible for continued employment.

(d) If the document, such as a Social Security card or a green card, provided by the employee was counterfeit but contained a true Social Security number or alien registration number issued to a real person of that name (even though the person supplying the card was an imposter and not the person stated on the card) it would pass the EVP/Basic Pilot Program, even though the card was counterfeit and was obtained illegally, as the defendants and other coconspirators then and there well knew. Such documents that would pass the EVP/Basic Pilot Program, even though fraudulent, were commonly referred to as “good documents” or “good cards” that contained “good numbers.”

17. At all times material hereto, typically each TYSON plant and its associated facilities was run by a complex manager. The chicken processing plant itself was under the supervision of a plant manager, who reported to the complex manager. Similarly, a complex

personnel manager was responsible for personnel and human resources matters for the entire complex, while a plant personnel manager supervised such matters at the processing plant itself.

18. At certain times material hereto, in order to circumvent the EVP/Basic Pilot Program and bring illegal aliens to work at its plants in Shelbyville, Tennessee; Albertville, Alabama; Ashland, Alabama; Center, Texas; Corydon, Indiana; Forest, Mississippi; Glen Allen, Virginia; Henderson, Kentucky; Wilkesboro, North Carolina; Monroe, North Carolina; Sedalia, Missouri; Noel, Missouri; Temperanceville, Virginia; and Union City, Tennessee, TYSON utilized workers that were hired and provided to TYSON by temporary services agencies that did not utilize the EVP/Basic Pilot Program, well knowing that most of these workers were unauthorized for employment within the United States.

OBJECTS AND PURPOSES OF THE CONSPIRACY

19. The objects and purposes of this conspiracy were that the defendants and their coconspirators would and did:

- (a) cause the importation into the United States of illegal alien laborers;
- (b) cause the transportation of those illegal alien laborers from the southern border of the United States in Texas to the geographical locations of TYSON poultry processing plants in Tennessee, North Carolina, Virginia, Indiana, Missouri, Texas, Arkansas, and elsewhere within the United States;
- (c) employ directly as "TYSON Team Members" (as TYSON refers to its directly hired employees), or indirectly through temporary employment agencies, those illegal alien laborers at TYSON poultry processing plants in Tennessee, North Carolina, Virginia, Indiana, Missouri, Texas, Arkansas, and elsewhere in the United States;

(d) receive commercial advantage to the benefit of TYSON over TYSON competitors by the employment of those illegal alien laborers;

(e) receive private financial gain by and for TYSON by increasing its poultry production and monetary profits; and

(f) cause the individual defendants and other coconspirators to maintain and receive increased incomes and obtain other financial benefits from TYSON.

MANNER AND MEANS OF THE CONSPIRACY

20. It was a part of the conspiracy that the defendants and their coconspirators would and did cultivate a corporate culture in which the hiring of illegal alien workers, both directly as TYSON employees and indirectly through temporary employment agencies, was condoned by TYSON management because it was more important for TYSON to meet its production goals and to cut its costs to maximize TYSON profits than for the defendants and their coconspirators to comply with the immigration and other laws of the United States.

21. It was further a part of the conspiracy that the defendants and their coconspirators would and did cause illegal aliens to be recruited to enter the United States illegally by crossing into the United States from Mexico and be transported to TYSON poultry processing plants, including its TYSON Shelbyville plant, to work in those plants.

22. It was further a part of the conspiracy that the defendants and their coconspirators would and did cause and aid and abet these illegal aliens to be supplied with (a) false identification documents, such as state-issued identification cards, and with (b) false employment eligibility documents, such as false Social Security cards, so that those illegal aliens could work at TYSON poultry processing plants under the false pretense of being legally employable.

23. It was further a part of the conspiracy that the defendants and their coconspirators would and did voluntarily participate in an employment eligibility screening Program (EVP/Basic Pilot) to check the identification and the employment eligibility information of newly hired employees to foster the appearance of compliance with the law by TYSON, while in truth and fact, TYSON took no effective action to insure actual compliance with immigration laws. In fact, the goal of defendants and their coconspirators in participating in the EVP/Basic Pilot Program was to keep INS from conducting raids to identify illegal aliens working at TYSON poultry processing plants, including the TYSON Shelbyville plant.

24. It was further a part of the conspiracy that the defendants and their coconspirators would and did maintain the deceptive public posture, by having a written TYSON policy which would be “enforced” by promised “audits” of opposition to having illegal aliens working at its facilities, while in truth and fact, defendant TYSON and the individual defendants and other TYSON unindicted coconspirators would and did take no effective action to prevent illegal aliens from working at TYSON poultry processing plants.

25. It was further a part of the conspiracy that the defendants and their coconspirators would and did evade the EVP/Basic Pilot Program by hiring, through temporary employment contractors who did not participate in the EVP/Basic Pilot Program, employees who could not be successfully screened by the EVP/Basic Pilot Program, to fill permanent positions at the TYSON Shelbyville plant and other TYSON poultry processing plants, then and there well knowing that a substantial number of these “temporary” employees were illegal aliens not authorized to be present in, and work in, the United States.

26. It was further a part of the conspiracy that the defendants and their coconspirators would and did promote a preference at TYSON poultry processing plants for having illegal aliens work at those facilities because those illegal workers, due to their illegal alien status and vulnerability as a result of their fear of being arrested and deported, were:

- (a) frequently forced to be more productive than legal TYSON Team Members, including, but not limited to, subjecting them to faster moving conveyor belts;
- (b) frequently subjected to less humane working conditions than legal TYSON Team Members, including, but not limited to, fewer bathroom breaks; and
- (c) less likely than legal TYSON Team Members to complain to TYSON management, to file a grievance with governmental agencies, to seek workmen's compensation benefits, and to be absent from work.

OVERT ACTS OF THE CONSPIRACY

27. In furtherance of the conspiracy and to effect the objects of the conspiracy, the following and other overt acts were committed by the defendants and their coconspirators in the Eastern District of Tennessee, and elsewhere:

- (a) In or about October 1994, in a conversation with unindicted coconspirator Charles "Chuck" Cook, in reference to production problems at the TYSON Shelbyville plant, defendant GERALD LANKFORD gave the following managerial, supervisory advice: "That plant needs more Mexicans."
- (b) In or about late 1994 and early 1995, at the TYSON Shelbyville plant, defendants TRULEY PONDER (as Complex Manager), ROBERT HASH (as Plant Manager) and KEITH SNYDER (as Second Shift Manager), and unindicted

coconspirators Robert Sanford and Charles Cook began hiring illegal Mexican and other aliens in increasing numbers.

(c) On or about October 20, 1997, an INS Undercover Agent (UCA) met with unindicted coconspirator Amador Anchondo-Rascon at Los Tres Hermanos Store in Shelbyville, Tennessee. During the meeting with Amador Anchondo-Rascon, the UCA purchased two fraudulent Resident Alien Cards (Green Cards) and two fraudulent Social Security cards from Amador Anchondo-Rascon. During this meeting, the UCA was told by Amador Anchondo-Rascon that he (Anchondo) was well connected with managers at the TYSON poultry processing plant in Shelbyville, Tennessee, and with other TYSON managers and supervisors at other TYSON locations in the United States.

(d) On or about October 21, 1997, unindicted coconspirator Amador Anchondo-Rascon stated to the UCA that certain TYSON managers, including but not limited to, those at the TYSON Shelbyville plant, routinely solicited Amador Anchondo-Rascon to supply and transport illegal aliens to the TYSON poultry processing plants for employment by those plants.

(e) In about March 1998, defendant TYSON's human resources supervisors and managers were directed at a meeting at TYSON headquarters, Springdale, Arkansas, by a human services manager: "Never, ever, admit hiring illegals," as reflected in written minutes of that meeting.

(f) On or about May 24, 1998, unindicted coconspirator Amador Anchondo-Rascon contacted the UCA via telephone and advised the UCA to contact defendant

SPENCER MABE, who had requested illegal aliens to be delivered by Amador Anchondo-Rascon to the TYSON Shelbyville plant.

(g) On or about May 27, 1998, pursuant to the direction of unindicted coconspirator Amador Anchondo-Rascon, UCA Maldonado (using the undercover name “Benjamin Chavez”) telephoned defendant SPENCER MABE, during which telephone call MABE was advised by UCA Maldonado:

(1) that Amador Anchondo-Rascon had told UCA Maldonado to call MABE because “. . . maybe you (MABE) need some help there (at the TYSON Shelbyville plant)”;

(2) that Maldonado worked for Amador Anchondo-Rascon by stating “. . . I take people for him, you know, when they cross the border, you know, through the river . . . I take them from the border to him (Amador Anchondo-Rascon)”;

(3) that Amador Anchondo-Rascon “. . . then . . . gets them their papers and then, you know, he, he, he gets them to work” Defendant SPENCER MABE then asked for and received from UCA Maldonado his (Maldonado’s) name, telephone number, location, and beeper number, and then MABE stated: “. . . but now I’ll be getting in contact with you.”

(h) On or about June 4, 1998, unindicted coconspirator Amador Anchondo-Rascon advised the UCA that SPENCER MABE was requesting fifty illegal aliens to be transported to the TYSON Shelbyville plant for employment there.

(i) On or about June 8, 1998, pursuant to the direction of unindicted coconspirator Amador Anchondo-Rascon, UCA Maldonado telephoned defendant SPENCER MABE, during which telephone call:

(1) UCA Maldonado told MABE that “. . . Amador asked me to call you (MABE) . . . I am going to take some friends for him . . . maybe tomorrow, or maybe Wednesday, and he (Amador) wanted to see if maybe he could take me to you . . . or we can maybe meet somewhere and maybe talk about, you know, maybe getting some people to you, you need help or something . . .”;

(2) Defendant MABE then answered: “Yeah, come see me. Come right here to the (TYSON Shelbyville) plant and see me in my office . . . and I’ll tell you all the ins and outs, and the ropes, and all that . . .”;

(3) Defendant MABE stated he did not need people right now but that “. . . I’ve got a friend of mine, I can give you a number let you call . . . He might need three or four.”; and

(4) UCA Maldonado then advised MABE: “. . . somebody else is the ones, you know, call the people in Mexico and, and for them to come to the border, and then they call me and then I take them. You know, somebody else makes them, or tells, or helps them cross the river, you know. And . . . then . . . I do my job, and pick them up there, and by the river, and then I take them up to there . . .”

(j) On or about June 11, 1998, unindicted coconspirator Amador Anchondo-Rascon and two UCAs, using the undercover names of “Benjamin Chavez” and “Arturo Chacon,” met in the conference room at the TYSON Shelbyville plant with TRULEY PONDER and SPENCER MABE, who requested that Amador Anchondo-Rascon and the UCAs supply the plant with 2,000 illegal Guatemalan aliens, and who discussed their (TYSON’s) need to evade the EVP/Basic Pilot Program. At this meeting those attending discussed in detail the process by which illegal aliens would be smuggled across the Mexican border under the direction of Amador Anchondo-Rascon, transported by the UCAs to Shelbyville, Tennessee, for employment at the TYSON Shelbyville plant by the UCAs, and supplied with false documents by Amador Anchondo-Rascon, which false documents would purport to establish their identity and employability by the TYSON Shelbyville plant.

(k) On or about July 30, 1998, UCA Maldonado delivered seven (7) illegal Guatemalan aliens to unindicted coconspirator Amador Anchondo-Rascon in Shelbyville, Tennessee, five of whom were to be employed at the TYSON Shelbyville plant, for which delivery UCA Maldonado received \$3,113.00 in cash.

(l) On or about September 28, 1998, during a telephone conversation, defendant SPENCER MABE instructed UCA Maldonado to call him back tomorrow and that “. . . We’ll work it out tomorrow through Amador (Anchondo-Rascon)” the “bringing . . . up” of five illegal aliens to the TYSON Shelbyville plant for employment there.

(m) On or about September 29, 1998, during a telephone conversation between defendant SPENCER MABE and UCA Maldonado about the transporting of five illegal aliens from Texas to the TYSON Shelbyville plant for employment there:

(1) Defendant SPENCER MABE asked: "I've not got any personnel people here today. Can you get them up here in the morning? . . . They say you're in Texas? . . . What kind of paperwork do they have? . . .";

(2) UCA Maldonado confirmed that he was in Texas and that regarding the five illegal aliens that he was bringing for employment at the TYSON Shelbyville plant: ". . . I think they have a Social Security card. . . they need to get their ID's. I tried to talk to Amador (Anchondo-Rascon) yesterday . . . he was going to call me back . . .";

(3) Defendant SPENCER MABE replied: "We need two, two identifications . . . an ID card and a Social Security card would probably work . . . If these folks are hired, they won't never be checked. But I'm going to have to start to check everybody that I hire . . . They've got to have good ID's";

(4) UCA Maldonado then asked: ". . . do you need the Social Security cards numbers to be good?";

(5) Defendant SPENCER MABE responded: "Probably not. But they've got to have one. They've got to have a Social Security card";

(6) UCA Maldonado then asked: ". . . do you need the green card numbers to be good? Because I think my friend could probably get them, you know, both";

(7) Defendant SPENCER MABE responded: “Well, that’s what I need, if they can do it . . . If they got good papers, I’ve got a job for them”; and

(8) After UCA Maldonado stated that he would take the five illegal aliens to MABE tomorrow or the next day and inquired whether MABE wanted those illegal aliens taken directly to the TYSON Shelbyville plant, MABE responded: “Take them to AMADOR, and let him bring them down here.”

(n) On or about October 2, 1998, the five illegal aliens requested by defendant SPENCER MABE (referred to in overt act (m) above) on September 28, 1998, along with three additional illegal aliens recruited by Amador-Anchondo Rascon, were transported to unindicted coconspirator Amador Anchondo-Rascon at his Los Tres Hermanos Store, Shelbyville, Tennessee, for employment at the TYSON Shelbyville plant. When advised of the above delivery on October 2, 1998, defendant SPENCER MABE stated: “Bright and early tomorrow morning I’ll put them to work.” At least three of those illegal aliens were subsequently hired at the TYSON Shelbyville plant.

(o) On or about October 28, 1998, unindicted coconspirator Amador Anchondo-Rascon contacted UCA Maldonado to report that defendants TRULEY PONDER and SPENCER MABE had solicited additional deliveries of illegal aliens to accommodate the need for additional workers at the TYSON Shelbyville plant due to the physical expansion of that TYSON plant.

(p) In approximately the fall of 1998, when the TYSON Monroe (NC) plant was in need of obtaining increasing numbers of plant employees, a known unindicted coconspirator took unindicted coconspirator Robert Sanford, then the Complex Personnel

Manager of the TYSON Monroe plant, aside and provided him (Sanford) with managerial, supervisory direction with respect to solving the need for new employees: “You gotta do what you gotta do . . . If you need to hire more temps, then hire more temps,” when in truth and fact, the “temps” (*i.e.*, workers hired through temporary employment agencies) were commonly recognized by those employed in management positions within defendant TYSON FOODS, INC. as consisting of predominantly illegal aliens hired to fill permanent positions, who could not pass screening under the EVP/Basic Pilot Program.

(q) Throughout late 1998 and into the first part of 1999, defendant SPENCER MABE intentionally delayed implementation of the EVP/Basic Pilot Program so that the Social Security numbers of newly hired workers at the TYSON Shelbyville plant would not be scrutinized, and illegal aliens could continue to be easily hired.

(r) On or about January 17, 1999, unindicted coconspirator Amador Anchondo-Rascon told UCA Maldonado that Amador Anchondo-Rascon contacted defendant SPENCER MABE regarding a proposed meeting with defendants SPENCER MABE and TRULEY PONDER to discuss future deliveries of illegal alien labor to SPENCER MABE and TRULEY PONDER for employment at the TYSON Shelbyville plant.

(s) On or about January 25, 1999, defendant SPENCER MABE and unindicted coconspirator Amador Anchondo-Rascon met with UCAs Maldonado and Perales at the TYSON poultry plant in Shelbyville, Tennessee:

(1) UCA Maldonado stated “. . . we get the people . . . we just tell this person, okay this is your number, this is your name. And then if we get the I.D.’s from California and stuff, Amador can do that . . . [I]f they have to check them, well, they are going to have good numbers”;

(2) In response to defendant SPENCER MABE’s question: “Those numbers will be good if I run it through that INS computer?” UCA Maldonado replied: “Yes, he told me that”;

(3) Defendant SPENCER MABE agreed to help pay for buying the Social Security cards with the fraudulent numbers. When UCA Maldonado stated that those fraudulent Social Security cards could cost \$200.00 each, defendant MABE replied: “Let me check with my people and see what . . . I can and can’t do . . . I’ve got to call it something else . . . I will just pay you a recruiting fee.” UCA Maldonado responded that: “A fee . . . that will pay for the numbers and stuff. And then we will just bring everybody”; and

(4) Defendant SPENCER MABE then said: “. . . if I have to pay for these people, I need to have some kind of guarantee that they are going to stay . . . at least for six months, a year, or something,” to which condition UCA Maldonado agreed.

(t) In about May 1999, the management of the TYSON Shelbyville plant (1) implemented the Basic Pilot Program, and (2) simultaneously began to evade that Program by using large numbers of illegal aliens as “temporary workers” for permanent

positions at that plant, which “temporary workers” were not subjected to the Basic Pilot screening program.

(u) On or about September 8, 1999, defendant TYSON FOODS, INC. corporate check number 0000529129, dated “09/08/1999,” in the amount of \$800.00, payable to “Armando Castillo,” P. O. Box 60011, San Angelo, TX 76906” and drawn on the “Bank of America, Northbrook, Illinois,” account of “Tyson, P. O. Box 2020, Springdale, Arkansas 72765-2020,” was sent by defendant TYSON FOODS, INC., Springdale, Arkansas, to UCA Maldonado, who adopted an alias of “Armando Castillo” for billing purposes, in San Angelo, Texas, as payment for the delivery of eight illegal aliens by UCAs Perales and Flores on or about July 16, 1999, to unindicted coconspirator Plant Manager Robert Sanford and another known coconspirator for employment at the TYSON poultry processing plant in Monroe, North Carolina.

(v) On or about October 26, 1999, defendant TYSON FOODS, INC. corporate check number 0000604575, dated “10/26/1999”, in the amount of \$600.00, payable to “Armando Castillo,” P. O. Box 60011, San Angelo, TX 76906” drawn on the “Bank of America, Northland, Illinois,” account of “Tyson, P.O. Box 2020, Springdale, Arkansas 72765-2020,” was sent from defendant TYSON FOODS, INC., Springdale, Arkansas, to UCA Maldonado, using the undercover alias Armando Castillo in San Angelo, Texas, as payment for the delivery of eight illegal aliens by UCAs Flores and Trevino, on or about October 15, 1999, to unindicted coconspirator Superintendent Miguel Nolasco for employment at the TYSON poultry processing plant in Corydon, Indiana.

(w) On or about November 19, 1999, two items:

(1) defendant TYSON FOODS, INC. receipt 001-234184 regarding voucher number 1900067150/0001 ("Recruitment Expense") for invoice number 142704; and

(2) defendant TYSON FOODS, INC. corporate check number 0000644766: dated "11/19/1999," in the amount of \$800.00, payable to "Armando Castillo, P. O. Box 60011, San Angelo, TX 76906" and drawn on the "Bank of America, Northbrook, Illinois" account of "Tyson, P. O. Box 2020, Springdale, Arkansas 72765-2020";

(3) were sent from defendant TYSON FOODS, INC., Springdale, Arkansas, to UCA Maldonado, using the undercover alias Armando Castillo, in San Angelo, Texas, as payment for the delivery of eight illegal aliens by UCAs Perales and Guerrero, on or about October 14, 1999 to unindicted coconspirator Plant Manager Robert Sanford and another known coconspirator for employment at the TYSON poultry processing plant in Monroe, North Carolina.

(x) On or about January 6, 2000, at the request of unindicted coconspirator Amador Anchondo-Rascon, UCA Maldonado contacted defendant TRULEY PONDER to discuss additional deliveries of illegal aliens to the TYSON Shelbyville plant for employment and the providing of fraudulent documents (including purchased Social Security cards) to those illegal aliens. TRULEY PONDER told UCA Maldonado that he (PONDER) would confer with SPENCER MABE in order to (1) finalize arrangements with Amador Anchondo-Rascon and UCA Maldonado for the delivery of additional

illegal aliens to the TYSON Shelbyville plant, and (2) arrange for false documents to be provided to those additional illegal aliens which will “. . . in the computer . . . look like they’re good (Social Security) numbers.”

(y) On or about January 11, 2000, defendant SPENCER MABE told UCA Maldonado that he (MABE) wanted 200 illegal aliens delivered for employment at the TYSON Shelbyville plant over the next year at the rate of ten per load. The UCA told MABE that these illegal aliens were coming from Oaxaca, Mexico. SPENCER MABE also agreed to meet with defendant TRULEY PONDER, unindicted coconspirator Amador Anchondo-Rascon, and UCA Maldonado in the near future to finalize arrangements for the delivery of these illegal aliens to the TYSON Shelbyville plant.

(z) On or about January 21, 2000, defendant SPENCER MABE and UCA Maldonado had a telephone conversation during which:

(1) Defendant SPENCER MABE said: “. . . just wanted to see. . .if you’re ready to get us some help. . . If you could just run by and talk to us. . . I need 15 right off the top”;

(2) UCA Maldonado replied: “. . . when uh I talk to Amador (Anchondo-Rascon) then I will call you and let you know for sure . . . the people are coming up, you know, from Mexico, and when they cross and everything and then I will . . .”;

(3) Defendant SPENCER MABE stated: “. . . we can pay you a \$100.00 a head . . . all I need to know, a guarantee these people are going to stay

awhile. We'll talk all about that when you get here . . . But I need about 15.

Quick as you can. They're able to go through on the computer, right?";

(4) UCA Maldonado responded that his "friend in California" has "been uh getting some numbers . . . he probably, you know, can give me a good deal . . . good numbers";

(5) Defendant MABE replied: "I understand that if they go through the (TYSON) computer like you said, there will be no questions asked on my end"; and

(6) UCA Maldonado responded: "Oh yes, you know, Amador, he has a friend over there who gets us, you know, the Social Security cards and stuff . . . and uh, he's a good friend, so we probably can get a good deal for you."

(aa) On or about January 26, 2000, defendant SPENCER MABE and UCA Maldonado had a telephone conversation during which UCA Maldonado advised MABE of his (Maldonado's) being in California to get "good (Social Security) numbers" for MABE and planning to be in Shelbyville, Tennessee, the next week. Defendant MABE responded that UCA Maldonado should ". . . stay in touch and let us know what's going on" and to ". . . come up and talk to me (MABE) and JIMMY (ROWLAND) (a TYSON Shelbyville Plant "complex personnel manager"), who MABE said that UCA Maldonado could "trust."

(bb) On or about February 1, 2000, unindicted coconspirator Amador Anchondo-Rascon and UCA Maldonado had a telephone conversation during which:

(1) Unindicted coconspirator Amador Anchondo-Rascon stated that defendants TRULEY PONDER and SPENCER MABE wanted “around 200” illegal aliens delivered to the TYSON Shelbyville plant for employment there, for which “it didn’t matter” if they “had to pay more” than the previously discussed fee of \$100.00 per illegal alien, as long as each was a “responsible” person;

(2) Amador Anchondo-Rascon further stated: “. . .we already know that in order to hire people they need to have an identification and a Social Security card;

(3) UCA Maldonado said that he would use the name “Armando Castillo”; and

(4) It was discussed that a certain individual would have to pay something for getting the illegal aliens across the Mexican border and “. . .then we’ll take charge of moving them” to the Shelbyville TYSON plant for employment there.

(cc) On or about February 2, 2000, defendant SPENCER MABE and UCA Maldonado had a telephone conversation during which defendant MABE stated that he (MABE), JIMMY ROWLAND, and TRULEY PONDER would be available to meet at the TYSON Shelbyville plant with Amador Anchondo-Rascon and UCAs Maldonado and Perales during one of the next two days to discuss further arrangements.

(dd) On or about February 4, 2000, defendants TRULEY PONDER, SPENCER MABE, JIMMY ROWLAND, unindicted coconspirator Amador Anchondo-Rascon, and UCAs Maldonado and Perales met in defendant SPENCER MABE’s office

at the TYSON Shelbyville plant and discussed a plan for further deliveries of illegal aliens to that plant. It was agreed, at the request of defendants PONDER and MABE, that:

(1) Possessing illegally procured (referred to as “good”) names and Social Security numbers, which would have to “. . . go through the (TYSON) computer” (*i.e.*, pass the TYSON EVP/Basic Pilot computer program), illegal aliens from Mexico would be transported and delivered to the TYSON Shelbyville plant for employment there as permanent TYSON employees;

(2) Defendant TYSON FOODS, INC., through defendants PONDER, MABE, and ROWLAND, would pay by TYSON corporate checks, the amount of \$200.00 per illegal alien delivered by unindicted coconspirator Amador Anchondo-Rascon and the UCAs for employment to the TYSON Shelbyville plant, provided that those illegal aliens (a) possessed “good” names and Social Security numbers and (b) would come with “a guarantee” to remain employed there for at least six months or would be replaced by other illegal aliens for employment there;

(3) The TYSON Shelbyville plant would employ “at least 15 a month” of those illegal aliens possessing “good” Social Security numbers, to be provided by unindicted coconspirator Amador Anchondo-Rascon and UCAs Maldonado and Perales because, as stated by defendant SPENCER MABE: “Right now we have over 200 temporary people. And we’d like to replace that whole 200 with TYSON employees. . .”

Defendant TRULEY PONDER stated that there was a TYSON corporate boss at TYSON corporate headquarters in Springdale, Arkansas, by the name of "ROBERT HASH", who used to work at the Shelbyville TYSON plant, who could be "trusted" concerning the employment of illegal aliens at the TYSON plants, and who had "a plant just like this (Shelbyville) . . . about 30 miles north of Springdale . . ." that might be in need of some illegal aliens.

(ee) On or about February 8, 2000, during a telephone conversation between defendant TRULEY PONDER and UCA Maldonado:

(1) Defendant TRULEY PONDER stated his desire to accept ". . . some people . . . coming up . . . to you guys" from Amador Anchondo-Rascon and UCA Maldonado ". . . pretty quick";

(2) Defendant TRULEY PONDER stated that he (PONDER) had talked to ROBERT HASH ". . . yesterday and he (HASH) was going to get a hold of KEITH (SNYDER) (in Noel, Missouri) and to see if, if KEITH (SNYDER) could use some help";

(3) Defendant TRULEY PONDER stated that: "Now, . . . Amador's gonna' bring me some people"; and

(4) Defendant TRULEY PONDER also stated that ". . . Amador will give us some statement. We'll pay (Amador Anchondo-Rascon and UCA Maldonado) through that, ah, bank, that, ah, we've got you set up under."

(ff) Between approximately February 8 and 9, 2000, defendants SPENCER MABE and KEITH SNYDER had a telephone conversation concerning illegal aliens

being available for transportation to and employment at the TYSON poultry processing plant in Noel, Missouri.

(gg) Beginning at approximately 2:06 p.m. (CST), on February 10, 2000, during a telephone conversation, defendant SPENCER MABE told UCA Maldonado that:

(1) Defendant MABE had “. . . got us a big one for you in Noel, Missouri” with (TYSON Noel Complex Manager) KEITH SNYDER, who defendant MABE had known for 15 years and who Maldonado could “trust”;

(2) He (MABE) and defendant TRULEY PONDER had talked with defendant ROBERT HASH, the boss of defendants KEITH SNYDER and TRULEY PONDER, and the “biggest thing” he (HASH) needed was for “some more people” to be delivered by UCA Maldonado to the TYSON Noel plant, about 25 miles from Springdale, Arkansas;

(3) Defendant KEITH SNYDER was expecting Maldonado to call him (SNYDER) at (417) 475-3181;

(4) Defendant MABE still wanted UCA Maldonado to e-mail to defendant MABE the illegally procured Social Security numbers for defendants MABE and TRULEY PONDER to “check” through the Basic Pilot Program before four illegal aliens were delivered to the TYSON Shelbyville plant to be “. . . working . . . pretty soon”; and

(5) Defendant SPENCER MABE, as suggested by Amador Anchondo-Rascon, wanted Maldonado to mail to MABE “the invoice” for the fees for delivery of illegal aliens to the TYSON Shelbyville plant.

(hh) At approximately 2:55 p.m. (CST) on February 10, 2000, during a telephone conversation between defendant KEITH SNYDER and UCA Maldonado:

(1) Defendant KEITH SNYDER told UCA Maldonado that he (SNYDER) had talked previously with defendants SPENCER MABE and ROBERT HASH and that “. . . he (MABE) told me (SNYDER) pretty much what the deal, ah, how it works. I just want to sit down with you (Maldonado) and try and figure out how we can do it”;

(2) It was also discussed how and when defendant KEITH SNYDER and UCA Maldonado would meet in person in Springdale, Arkansas at the Armadillo Grill. Defendant SNYDER stated that he (SNYDER) would meet with UCA Maldonado and “. . . relay to him (HASH) whatever we (SNYDER and Maldonado) talk about”; and

(3) Defendant SNYDER then told UCA Maldonado: “. . . in the meantime I’ll figure out what our needs will be, ‘cause I’m not sure if I know that right now . . . I’ll know that by the time I talk to you.”

(ii) During a telephone conversation on or about February 11, 2000, between defendant SPENCER MABE and UCA Maldonado,

(1) In response to an inquiry from UCA Maldonado as to how many fraudulent Social Security cards (to be purchased from a purported California source) that defendant MABE needed, MABE stated: “Well, we’re looking at 260 right now” for the TYSON Shelbyville plant “. . . that’s how many openings I have”;

(2) Defendant MABE said that “I don’t think that (*i.e.* using 260 fraudulent Social Security cards for that many illegal aliens) would be a problem, as long as it goes through the computer like it’s supposed to . . .”; and

(3) Defendant MABE expressed his desire for UCA Maldonado to send three or four fraudulent Social Security numbers and names so that MABE could determine whether they would pass the Basic Pilot screening.

(jj) On or about February 15, 2000, defendant JIMMY ROWLAND confirmed to UCA Maldonado that defendant ROBERT HASH was “. . . a pretty good guy . . .” and “. . . we can talk to him (HASH) and everything . . .”

(kk) On or about February 17, 2000, defendants TRULEY PONDER, SPENCER MABE, JIMMY ROWLAND, unindicted coconspirator Amador Anchondo-Rascon, and UCAs Maldonado and Guerrero met in defendant JIMMY ROWLAND’s office at the TYSON Shelbyville plant and discussed future deliveries of illegal aliens to TYSON poultry processing plants in Shelbyville, Tennessee and Noel, Missouri. During this meeting the following statements were made in furtherance of the conspiracy:

(1) Defendant SPENCER MABE stated to UCA Maldonado concerning defendant ROBERT HASH: “. . . he knows who you are. And he knows who AMADOR is. And he knows that we’ve talked to KEITH (SNYDER) . . . He’s up to speed on everything”;

(2) Defendant SPENCER MABE advised: “. . . we wanna deal with Shelbyville and Noel . . . right now . . . I know KEITH; I’m in good shape there”;

(3) Defendant TRULEY PONDER added: “So we’ve got to be careful what we do. And, and we are in good shape with Shelbyville and Noel. Let’s, let’s see how they . . . how they work out and we’ll ease on to another one”;

(4) Defendant JIMMY ROWLAND noted that there were presently 265 openings at the TYSON Shelbyville plant. To which, defendant SPENCER MABE stated: “We can’t take that many at one time, but that’s how many jobs we got to fill”;

(5) Defendant SPENCER MABE asked UCA Maldonado if he had “a bill” for the delivery of illegal aliens to the TYSON Shelbyville plant on February 17, 2000, and defendant TRULEY PONDER directed UCA Maldonado to send the bill to defendant JIMMY ROWLAND because “. . . he’s (ROWLAND’s) the man that controls the money for you”;

(6) Unindicted coconspirator Amador Anchondo-Rascon then advised that the illegal aliens who would be delivered to the TYSON Shelbyville plant would have “. . . this kind of ID . . .,” and that “. . . there are several people already working, right now (at the TYSON Shelbyville plant), with that. It’s a California ID . . . it’s ah good one”;

(7) Defendant SPENCER MABE asked if UCA Maldonado had “worked with (Robert) Sanford (at the TYSON poultry processing plant in Monroe, North Carolina)”, to which UCA Maldonado replied: “Oh, yes”;

(8) Defendant TRULEY PONDER then asked UCA Maldonado: “What about uh, uh (Chuck) Cook (at the TYSON Glen Allen plant)?,” to which UCA Maldonado replied: “Oh, yes . . . we’ve worked with Chuck. . . .”;

(9) Defendant TRULEY PONDER said “. . . we can tell you that we will use 250 . . . All they have to do is, they just gotta be able to pass the computer and hey, we are ready to go”;

(10) Defendant TRULEY PONDER added: “. . . [W]e talked to ROBERT (HASH) and . . . right now the only two places that he thinks he can, he can do anything, is Noel and here”;

(11) After concurrences from defendants PONDER and MABE, defendant JIMMY ROWLAND then said: “And we could probably use ten a week. Is probably what we ought to do, to start with . . . ten every week”;

(12) In discussing that \$200.00 would be paid per illegal alien delivered with “good” Social Security numbers for employment at the TYSON Shelbyville plant, defendant TRULEY PONDER stated “Well, I think 200 dollars, Benjamin, is going to stretch what we can . . . cause, we, once again, we can’t hide ours. And that’s why we’ve got to be so careful. I mean, that’s gotta, that’s going to go through that we are paying that much money”;

(13) Defendant SPENCER MABE noted: “I think the fifteen you took to ROBERT (SANFORD) is still in Monroe. I don’t think he lost one”;

(14) Defendant JIMMY ROWLAND added: “You know, like if you’re going to bring ten a week, bring five in on days, five in on nights”;

(15) Defendant TRULEY PONDER stated “. . . on all this Benjamin, and you Amador, if, when they are your people, JIMMY needs to know it, . . . that . . . these are the ones that y’all told us . . . that were coming. And that away . . . if we know who they are . . . and . . . they’ve got good Social Security, we’re going to hire them . . . we’ve got a commitment to you to hire all of ‘em that you bring . . . I mean, if you was to send down two Hispanic people, . . . and we didn’t know they were coming and to look for ‘em, and . . . we didn’t have that, ah, spot for them, we might turn them away”;

(16) UCA Maldonado asked defendants TRULEY PONDER, SPENCER MABE, and JIMMY ROWLAND, “. . . how many other places . . . ROBERT (HASH) is the boss for . . .” as defendants PONDER and MABE stated, “. . . he is the boss over four places . . . Jacksonville, Florida . . . Noel (Missouri) and Shelbyville (Tennessee) . . . (and) Center, Texas.” Defendant PONDER added “. . . let’s work Noel and Shelbyville . . . and then we’ll look at the other”; and

(17) Defendant TRULEY PONDER also stated to UCAs: “. . . Maybe by the time we get to 250, it may be more than that but, but we know that we can use 250.”

(11) On or about February 25, 2000, defendant KEITH SNYDER and UCA Maldonado had a telephone conversation about when and where they could meet in the future and that a later telephone call would be made for that purpose. Defendant KEITH

SNYDER concluded by saying to UCA Maldonado: "I'll look forward to hearing from you."

(mm) On or about March 1, 2000, pursuant to an earlier telephonic page to UCA Maldonado from a phone at the TYSON Shelbyville plant, a telephone conversation occurred:

(1) During which defendant SPENCER MABE told UCA Maldonado that the five illegal aliens previously delivered to the TYSON Shelbyville plant (on February 17, 2000) were working well. Defendant JIMMY ROWLAND stated: "... we're looking for some more people";

(2) UCA Maldonado replied that they could probably get "... at least 10 for now";

(3) When defendant ROWLAND responded "Okay, when can you come up with 40 or more?", UCA Maldonado said: "I'm going to talk to Amador (Anchondo-Rascon) probably today ... and see if he heard anything, you know, from the people in Veracruz (Mexico) ... so they can get them to the border ... and take them to you guys ... I'll tell Amador to call you and he'll let you know ... how much time ... he needs to ... take the people to you"; and

(4) Defendant ROWLAND responded: "Right. And we could use them."

(nn) On March 7, 2000, during a telephone conversation between defendant KEITH SNYDER and UCA Maldonado concerning the arrangement of a time and place for them to meet during the next two evenings in Springdale, Arkansas, defendant

SNYDER again suggested they meet at the Armadillo Grill. When UCA Maldonado asked: "It is okay to talk there do you think?," defendant SNYDER replied: "Well, we'll need to find a corner somewhere probably . . . probably as good as anywhere." Defendant SNYDER then said he was going to talk with defendant SPENCER MABE before he met with UCA Maldonado.

(oo) On March 9, 2000, at the Armadillo Grill in Springdale, Arkansas, defendant KEITH SNYDER, after having previously spoken with defendant SPENCER MABE, met with UCAs Maldonado and Perales. He (SNYDER) requested that illegal aliens from Oaxaca and Veracruz, Mexico, with illegally procured names, Social Security numbers, and California identifications (all to be obtained by unindicted coconspirator Amador Anchondo-Rascon), be delivered to the TYSON Noel plant. The following arrangements were then agreed upon between defendant SNYDER and the UCAs:

(1) The UCAs would provide and pay for the transportation of the illegal aliens from the Mexican border to Noel, Missouri;

(2) Defendant KEITH SNYDER said: ". . . we've got places for people to live as soon as they come up . . .";

(3) Defendant KEITH SNYDER would ensure that defendant TYSON FOODS, INC. would issue TYSON corporate checks to the UCAs for \$200.00 per illegal Mexican alien delivered by the UCAs to the TYSON Noel plant, provided that the UCAs "guarantee us that they'll stay with us (at the TYSON Noel plant) for six months";

(4) UCA Maldonado would e-mail directly to defendant KEITH SNYDER the list of procured names and Social Security numbers which would later be used by the illegal Mexican aliens when they were delivered by the UCAs for employment at the TYSON Noel plant, so that it could be determined in advance whether they would pass the Basic Pilot Screening;

(5) When asked how “many people do you need?”, defendant SNYDER replied: “Well, we’re probably 30 to 40 short, right now.” Defendant SNYDER also told UCAs Maldonado and Perales that defendant ROBERT HASH could be “trust(ed)” and was knowledgeable about the employment of illegal aliens at the TYSON Noel plant; and

(6) Defendant SNYDER also stated that the EVP/Basic Pilot “. . . was a voluntary program that we put in to try and keep INS out of the place (TYSON Noel plant).”

(pp) On or about March 13, 2000, during a telephone conversation in response to UCA Maldonado’s stating that he would “. . . call . . . as soon as I have . . . an idea when we’re gonna get . . . to Shelbyville with the people (illegal aliens) . . . ,” defendant JIMMY ROWLAND responded: “Okay. Soon as you can get ‘em, just let us know. We’d, we’d like to have ‘em yesterday.”

(qq) On or about March 13, 2000, pursuant to previous directions from defendants TRULEY PONDER, SPENCER MABE, and JIMMY ROWLAND, UCA Maldonado, using the alias “Armando Castillo”, mailed his Invoice Number 142716 for “Recruitment fees. 5 persons (\$200.00 each)” for \$1,000.00 to the TYSON Shelbyville

plant, “Attention – JIMMY ROWLAND, Complex Personnel Manager,” for the February 17, 2000, delivery of five illegal aliens to the Shelbyville plant.

(rr) On or about March 20, 2000, in response to a previous page from defendant JIMMY ROWLAND, UCA Maldonado telephoned him (ROWLAND), during which conversation:

(1) Defendant ROWLAND asked: “Well, I was wondering where we’re at with on some people”;

(2) UCA Maldonado responded that “. . . it takes a little while . . . for them to get here, to come from Guatemala to Mexico . . . I think maybe they could be in the border by. . .Friday or something like that . . .”;

(3) Defendant ROWLAND then said: “Okay, . . . we’re ready for ‘em. So just as soon as you can get ‘em to us. We can use probably twenty today if we had ‘em . . . I would just tell him to start sending them kind on a regular basis... You can send ten to fifteen at a time . . . We’ll take ‘em all”;

(4) Defendant ROWLAND then stated that they could not hire the temporary employees at the TYSON Shelbyville plant because those temporary employees “. . . can’t go through this, this new [Basic Pilot] system we have . . . I just wonder how hard it would be for some of them to go to (unindicted coconspirator) Amador (Anchondo-Rascon) . . . [to. . .get them another name and number and stuff” (the UCA continues the thought)] . . . I mean those people are here,” and

(5) UCA Maldonado responded that “. . . it sounds like a good idea . . . They’re already there, all I’m gonna do is take them to Amador to change name and numbers and everything . . . I just need to . . . talk to my friend in California who has the numbers and stuff . . . I can talk to AMADOR . . . I’ll probably call him . . . today . . . and see what he thinks and maybe he can call you back . . . this week.”

(ss) On or about March 21, 2000, pursuant to the request of unindicted coconspirator Amador Anchondo-Rascon, UCA Maldonado telephoned defendant JIMMY ROWLAND, during which telephone call UCA Maldonado said that he had told unindicted coconspirator Amador Anchondo-Rascon about “. . . what we (Maldonado and ROWLAND) had talked about last time.”

(tt) On or about March 23, 2000, two items:

(1) A defendant TYSON FOODS, INC. Receipt 0001-234184 regarding voucher number 1900236687/0001 (“Rect. for 5 people”) for invoice number 142716; and

(2) Defendant TYSON FOODS, INC. corporate check number 000818927: dated “03/21/2000”, in the amount of \$1,000.00, payable to “Armando Castillo, P. O. Box 60011, San Angelo, TX 76906” and drawn on the “Bank of America, Northbrook, Illinois”, account of “Tyson, P. O. Box 2020, Springdale, Arkansas 72765-2020”;
were sent from defendant TYSON FOODS, INC., P. O. Box 8, Shelbyville, Tennessee 37162 to UCA Maldonado, using the undercover alias Armando Castillo, in San Angelo,

Texas, as payment for the delivery of five illegal aliens by Amador Anchondo-Rascon, on or about February 17, 2000, for employment at the TYSON Shelbyville plant.

(uu) On or about March 24, 2000, during a telephone conversation between defendant JIMMY ROWLAND and UCA Maldonado:

(1) UCA Maldonado stated he had talked “. . . to my friend in California . . . he say he could probably ah, you know, get us some numbers and everything like you wanted . . . for those people from, from the temporary place”;

(2) Defendant ROWLAND said that unindicted coconspirator Amador Anchondo-Rascon needed to come down to the TYSON Shelbyville plant and see defendant SPENCER MABE to get names, sex and ages of those temporary employees that needed good Social Security numbers so they could pass the TYSON computer program and be hired directly as permanent TYSON employees; and

(3) Defendant ROWLAND also stated that “. . . we would still be willing to, to use some of those, those other people too, you know, that you were going to bring up” from Guatemala or Mexico. . . “as soon as you can get some of your people, I mean, we’d be glad to take them. . .let’s work on, on the ones that you got comin’ up here. . . We’re, we’re waiting on you, we can use them today. . . . Why don’t you give SPENCE (MABE) a call about the middle of next week. Let him know where we’re at on some people.”

(vv) On May 24, 2000, pursuant to a telephone conversation earlier that day between UCA Maldonado and defendant KEITH SNYDER, UCA Maldonado, using the

undercover alias Armando Castillo, e-mailed to defendant KEITH SNYDER, at his request, the procured names, Social Security numbers, and dates of birth of five individuals that defendant KEITH SNYDER said that he (SNYDER) could check to see if they cleared the EVP/Basic Pilot Program so that said names, Social Security numbers and dates of birth could be used by five illegal aliens who would be brought in the future to Noel, Missouri, for employment at the TYSON Noel plant.

(ww) In approximately the summer of 2000, defendant KEITH SNYDER, as the Complex Manager of the TYSON Noel plant, in providing guidance on how to solve staffing shortages at his Noel plant, gave managerial, supervisory guidance to his chief personnel manager that when he (SNYDER) was at the TYSON Shelbyville plant as night shift manager, he (SNYDER) dispatched an Hispanic employee to Mexico to obtain workers for the TYSON Shelbyville plant when employees were needed.

(xx) On July 11, 2000, during a telephone conversation, defendant KEITH SNYDER told UCA Maldonado, that he (SNYDER) had received the May 24, 2000, e-mail referred to in overt act (vv) but that “. . . (TYSON) Human Resources people are telling me I can’t get those numbers through (the EVP/Basic Pilot Program) without hiring the people first . . . the way I understand it, you ah put the people to work and then you put the number into the (EVP/Basic Pilot Program) systems, and you know that tells you, ah, if you can go ahead and hire them or keep them employed.” The following then occurred during this telephone conversation:

(1) Defendant KEITH SNYDER asked: “. . . is there any way that we can get some people up here that we can put to work?”;

(2) Defendant KEITH SNYDER was then told by UCA Maldonado that “. . . these people are supposed to be on the border right now” and that UCA Maldonado needs to “. . . make sure they get . . . crossed . . . the river . . . ‘cause it’s pretty, pretty high right now . . .”;

(3) Defendant KEITH SNYDER wanted to meet with UCA Maldonado and to examine the quality of the fraudulent Social Security cards that Maldonado had procured; and

(4) Defendant KEITH SNYDER wanted UCA Maldonado to e-mail to him (SNYDER) again the procured names, Social Security numbers, and dates of birth of the five individuals that UCA Maldonado had e-mailed to defendant SNYDER on May 24, 2000, because defendant SNYDER had deleted the earlier e-mail from his (SNYDER) computer.

(yy) On July 11, 2000, pursuant to the prior telephone conversation between UCA Maldonado and defendant KEITH SNYDER referred to in overt act (xx) above, UCA Maldonado, using the undercover alias Armando Castillo, e-mailed to defendant KEITH SNYDER at SNYDER’s request the procured names, Social Security numbers, and dates of birth of five individuals that defendant KEITH SNYDER said that he (SNYDER) could check to see if they cleared the EVP/Basic Pilot Program so that said names, Social Security numbers, and dates of birth could be used by five illegal aliens who would be brought in the future to Noel, Missouri, for employment at the TYSON Noel plant.

(zz) In order to circumvent the Basic Pilot system and to accomplish the staffing of the respective TYSON plants by placement of illegal alien employees in permanent positions at the following TYSON plants, without raising salaries, the below-listed TYSON chicken processing plants used large numbers of “temporary” employees supplied by the indicated temporary employment agencies during the time periods indicated:

Tyson Plant Location	Temporary Employment Agency	Approximate Time Period
1. Albertville, AL	1. JTA Factoring, Inc. 2. Personnel Staffing, Inc. 3. Snelling Personnel Service	1. Jan. 1998 - Oct. 1999 2. Oct. 1998 - Nov. 2000 3. May 1997 - Dec. 2000
2. Ashland, AL	1. Oxford Enterprises, Inc. 2. InStaff Personnel	1. Oct. 1998 - April 2000 2. Aug. 1999 - Mar. 2000
3. Center , TX	1. Kavanaugh Group Temporary 2. Snelling Personnel Service	1. Aug. 1998 - Jan. 1999 2. March 1999 - April 2000
4. Corydon, IN	1. Ready Staffing, Inc. 2. Outsource International/ Tandem Staffing	1. Nov. 1998 - July 1999 2. April 1999 - March 2001
5. Forest, MS	1. Instaff Personnel 2. Tandem	1. Oct. 1998 - Jan. 2001 2. July 2000 - Jan. 2001
6. Glen Allen, VA	1. Labor Pro Temporary Services 2. USA Staffing, Inc., of VA	1. Oct. 1998 - Aug. 1999 2. July 1999 - Jan. 2001
7. Henderson (Robards), KY	1. AGR Financial, LLC 2. Ready Staffing, Inc. 3. Thompson Poultry Service 4. Oxford Enterprises, Inc.	1. Oct. 1998 - May 1999 2. May 1997 - Sept. 2001 3. Aug. 1998 - April 2001 4. Feb. 1999 - Aug. 1999
8. Monroe, NC	1. MegaForce Staffing Services, Inc. 2. Union Washing/ULC, Inc.	1. Aug. 1998 - Dec. 2000 2. Oct. 1998 - Jan. 2001
9. Noel, MO	1. ASAP Services 2. InStaff Personnel	1. March 1999 - Sept. 1999 2. March 2001

10. Sedalia, MO	Tandem Staffing/Outsource International	June 1999 - April 2000
11. Shelbyville, TN	Randstad Ltd.	Aug. 1998 - Dec. 2000
12. Temperanceville, VA	1. United Job Center, Inc. 2. Able Body Temporary Services	1. July 1999 - Sept. 1999 2. Aug. 1999 - Dec. 2000
13. Wilkesboro (Fresh), NC	1. Wilkes Everyday Temps, Inc. 2. EXI-ECI Employment Staffing	1. Aug. 1998 - Feb. 2001 2. March 1999 - Dec. 2000
14. Wilkesboro (Cooked), NC	Wilkes Everyday Temps, Inc.	July 1998 - Sept. 2000
15. Union City, TN	1. InStaff Personnel 2. Randstad	1. Jan. 1999 - April 2001 2. Oct. 1998 - Oct. 2000

(aaa) The Grand Jury hereby incorporates and realleges herein each and every overt act set forth in subparagraphs (aaa) through (fff) of paragraph 27 of Count Two of this Indictment.

All in violation of Title 18, United States Code, Sections 371 and 3571(d).

COUNT TWO

[CONSPIRACY TO DEFRAUD AND OBSTRUCT INS ENFORCEMENT OF LAW] (18 U.S.C. § 371)

THE CONSPIRACY AND ITS OBJECT AND PURPOSE

1. The Grand Jury further charges that from in or about 1994, to in or about June 2001, in the Eastern District of Tennessee and elsewhere, defendants TYSON FOODS, INC., ROBERT HASH, GERALD LANKFORD, KEITH SNYDER, TRULEY PONDER, SPENCER MABE, and JIMMY ROWLAND, did unlawfully and knowingly combine, conspire, and agree together and with each other, and with other persons whose identities are both known and unknown to the Grand Jury, to defraud the United States and an agency thereof, namely, the Immigration and Naturalization Service of the United States Department of Justice, by obstructing and impairing the enforcement of the immigration laws of the United States and assisting illegal aliens and TYSON personnel in deceiving the United States Immigration and Naturalization Service as to the legal authorization of illegal alien workers to be present and work in the United States at TYSON poultry processing plants, including the one at Shelbyville, Tennessee.

BACKGROUND OF THE CONSPIRACY

2. The Grand Jury hereby realleges each and every allegation contained in Paragraphs 2 through 18 of Count One of this Indictment.

MANNER AND MEANS OF THE CONSPIRACY

19. The Grand Jury hereby incorporates and realleges each and every allegation contained in Paragraphs 20 through 26 of Count One of this Indictment.

OVERT ACTS OF THE CONSPIRACY

27. In furtherance of this conspiracy to defraud the United States and to obstruct INS enforcement of the immigration laws of the United States at TYSON corporate headquarters, division offices, and poultry processing plants, the following and other overt acts were committed by the defendants and other coconspirators in the Eastern District of Tennessee and elsewhere:

(a) The Grand Jury hereby realleges each and every allegation and overt act contained in subparagraphs (a) through (zz) of Paragraph 27 of Count One of this Indictment.

(aaa) On or about June 5, 2000, defendant GERALD LANKFORD and another known coconspirator coauthored a TYSON memorandum in which they recommended to a variety of TYSON corporate executives that the EVP/Basic Pilot Program be eliminated at TYSON poultry processing facilities in order to facilitate the illegal employment practices of defendant TYSON FOODS, INC. and of the individual TYSON defendants and unindicted coconspirators.

(bbb) On or about June 28, 2000, at a meeting at the TYSON Shelbyville plant during which ways to implement the recent policy change by TYSON to phase out using temporary workers at its plants, and instead to fill those positions with direct TYSON employees (*i.e.*, "TYSON team members"), were discussed, defendant GERALD LANKFORD gave managerial, supervisory guidance to those TYSON employees present by stating that "we know we cannot hire these people (working at TYSON plants through temporary employment agencies) because we know that they are illegal."

(ccc) In or about September 2000, concerned about shortages of workers at the TYSON Glen Allen (Virginia) poultry processing plant which shortages were caused by cutbacks in the utilization of “full time temporary employees,” an unindicted coconspirator consulted with defendant GERALD LANKFORD, and then LANKFORD gave managerial supervisory direction to unindicted coconspirator Patrick Brunton, the TYSON Glen Allen plant personnel manager, to resume using “Mexican workers” as “full time temporary employees” even though, as defendant LANKFORD then and there well knew, those “temporary” workers were not authorized legally to work in the United States.

(ddd) On October 10, 2000, an unindicted coconspirator sent a TYSON corporate e-mail directed to defendant GERALD LANKFORD, with copies sent to defendant ROBERT HASH, which advised that the TYSON plan to get rid of “temporary” workers should be tracked closely so that the supply of chickens being grown in the field (“placements”) would be cut back to correspond to the remaining number of “legal” workers at TYSON plants.

(eee) On October 10, 2000, having received the e-mail referred to in overt act “ddd” above, defendant ROBERT HASH then forwarded that e-mail to defendant JIMMY ROWLAND, who then forwarded that e-mail to a subordinate at the Shelbyville plant.

(fff) In about November 2000, in a meeting with defendant JIMMY ROWLAND and local officers of the TYSON Shelbyville plant’s unit of the Retail, Wholesale, and Department Store Union, AFL-CIO, when confronted with the issue of

large numbers of illegal aliens working at the TYSON Shelbyville plant, particularly under the guise of temporary employees, defendant GERALD LANKFORD stated to the union representatives, who were then present, that it was necessary for the TYSON Shelbyville plant to rely on such illegal workers, although he (LANKFORD) wished to end that reliance at some time in the future.

All in violation of Title 18, United States Code, Sections 371 and 3571(d).

COUNTS THREE THROUGH SEVEN

**[CAUSING ILLEGAL ALIENS TO BE BROUGHT INTO THE UNITED STATES]
(8 U.S.C. § 1324(a)(2)(B)(ii) and 18 U.S.C. § 2)**

The Grand Jury further charges that on or about July 30, 1998, in the Eastern District of Tennessee, the defendants, TYSON FOODS, INC., ROBERT HASH, GERALD LANKFORD, KEITH SNYDER, TRULEY PONDER, SPENCER MABE, and JIMMY ROWLAND, aided and abetted by each other, and by others whose names are both known and unknown to the Grand Jury, did knowingly and in reckless disregard of the fact that certain illegal aliens had not received prior official authorization to come to, enter, and live in the United States, bring to and cause to be brought to the United States, in any manner whatsoever, those certain illegal aliens known as and using the names listed below, regardless of any official action which may later be taken with respect to those illegal aliens, for the purpose of commercial advantage and private financial gain:

<u>Count</u>	<u>Name Used</u>
3	Alberto Felipe GOMEZ
4	Jesus THOMAS
5	Angelina THOMAS
6	Thomas JUAN
7	Juana HERNANDEZ

each such count constituting a separate violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii) and Title 18, United States Code, Section 2.

COUNTS EIGHT THROUGH TWELVE

**[CAUSING ILLEGAL ALIENS TO BE TRANSPORTED]
(8 U.S.C. §§ 1324(a)(1)(A)(ii) and 1324(a)(1)(B)(i) and 18 U.S.C. § 2)**

The Grand Jury further charges that on or about July 30, 1998, in the Eastern District of Tennessee, the defendants, TYSON FOODS, INC., ROBERT HASH, GERALD LANKFORD, KEITH SNYDER, TRULEY PONDER, SPENCER MABE, and JIMMY ROWLAND, aided and abetted by each other, and by others whose names are both known and unknown to the Grand Jury, did knowingly and in reckless disregard of the fact that certain illegal aliens had come to, entered, and remained in the United States, in violation of the law, willfully and unlawfully transport and move, and cause to be transported and moved, by means of transportation, in furtherance of such violation of the law, those certain illegal aliens known as and using the names listed below, for the purpose of commercial advantage and private financial gain of the defendants:

<u>Count</u>	<u>Name Used</u>
8	Albert Felipe GOMEZ
9	Jesus THOMAS
10	Angelina THOMAS
11	Thomas JUAN
12	Juana HERNANDEZ

each such count constituting a separate violation of Title 8, United States Code, Sections 1324(a)(1)(A)(ii) and 1324(a)(1)(B)(i), and Title 18, United States Code, Section 2.

COUNT THIRTEEN

**[CAUSING THE USE OF ILLEGAL DOCUMENTS]
(18 U.S.C. §§ 1546(b) and 2)**

The Grand Jury further charges that on or about July 30, 1998, in the Eastern District of Tennessee, the defendants, TYSON FOODS, INC., ROBERT HASH, GERALD LANKFORD, KEITH SNYDER, TRULEY PONDER, SPENCER MABE, and JIMMY ROWLAND, aided and abetted by each other and by others whose names are both known and unknown to the Grand Jury, did use and cause the use of an illegal identification document, *i.e.*, a Social Security account number card, purporting to be that of the person using the name listed below, knowing and having reason to know that the document was false, for the purpose of satisfying a requirement of Section 274A(b) of the Immigration and Nationality Act:

<u>Count</u>	<u>Name Used</u>
13	Juana HERNANDEZ

in violation of Title 18, United States Code, Sections 1546(b) and 2.

COUNTS FOURTEEN THROUGH FIFTEEN

**[CAUSING ILLEGAL ALIENS TO BE BROUGHT INTO THE UNITED STATES]
(8 U.S.C. § 1324(a)(2)(B)(ii) and 18 U.S.C. § 2)**

The Grand Jury further charges that on or about October 2, 1998, in the Eastern District of Tennessee, the defendants, TYSON FOODS, INC., ROBERT HASH, GERALD LANKFORD, KEITH SNYDER, TRULEY PONDER, SPENCER MABE, and JIMMY ROWLAND, aided and abetted by each other and by others whose names are both known and unknown to the Grand Jury, did knowingly and in reckless disregard of the fact that certain illegal aliens had not received prior official authorization to come to, enter, and live in the United States, bring to and cause to be brought to the United States, in any manner whatsoever, those certain illegal aliens known as and using the names listed below, regardless of any official action which may later be taken with respect to those illegal aliens, for the purpose of commercial advantage and private financial gain:

<u>Count</u>	<u>Name Used</u>
14	Federico RUIZ
15	Manuel RUIZ

each such count constituting a separate violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii) and Title 18, United States Code, Section 2.

COUNTS SIXTEEN THROUGH TWENTY

**[CAUSING ILLEGAL ALIENS TO BE TRANSPORTED]
(8 U.S.C. §§ 1324(a)(1)(A)(ii) and 1324(a)(1)(B)(i) and 18 U.S.C. § 2)**

The Grand Jury further charges that on or about October 2, 1998, in the Eastern District of Tennessee, the defendants, TYSON FOODS, INC., ROBERT HASH, GERALD LANKFORD, KEITH SNYDER, TRULEY PONDER, SPENCER MABE, and JIMMY ROWLAND, aided and abetted by each other and by others whose names are both known and unknown to the Grand Jury, did knowingly and in reckless disregard of the fact that certain illegal aliens had come to, entered, and remained in the United States, in violation of the law, willfully and unlawfully transport and move, and cause to be transported and moved, by means of transportation, in furtherance of such violation of law, those certain illegal aliens known as and using the names listed below, for the purpose of commercial advantage and private financial gain of the defendants:

<u>Count</u>	<u>Name Used</u>
16	Alonso BARDALEZ
17	Raul VILLANUEVA
18	David VASQUEZ-Acevedo
19	Federico RUIZ
20	Manuel RUIZ

each such count constituting a separate violation of Title 8, United States Code, Sections 1324(a)(1)(A)(ii) and 1324(a)(1)(B)(i), and Title 18, United States Code, Section 2.

COUNTS TWENTY-ONE THROUGH TWENTY-THREE

**[CAUSING THE POSSESSION OF FRAUDULENT DOCUMENTS BY ILLEGAL ALIENS]
(18 U.S.C. §§ 1546(a) and 2)**

The Grand Jury further charges that on or about October 2, 1998, in the Eastern District of Tennessee, the defendants, TYSON FOODS, INC., ROBERT HASH, GERALD LANKFORD, KEITH SNYDER, TRULEY PONDER, SPENCER MABE, and JIMMY ROWLAND, aided and abetted by each other and by others whose names are both known and unknown to the Grand Jury, did knowingly cause, induce, aid and abet certain illegal aliens known as and using the names listed below, to possess documents prescribed by statute and regulation as evidence of authorized stay and employment in the United States, *i.e.*, Social Security account number cards purporting to be those of the persons using the names listed below, knowing said documents to be counterfeit and falsely made, and to have been otherwise unlawfully obtained:

<u>Count</u>	<u>Name Used</u>
21	Alonso BARDALEZ
22	Raul VILLANUEVA
23	Federico RUIZ

each such count constituting a separate violation of Title 18, United States Code, Sections 1546(a) and 2.

COUNTS TWENTY-FOUR THROUGH TWENTY-SIX

**[CAUSING THE USE OF ILLEGAL DOCUMENTS]
(18 U.S.C. §§ 1546(b) and 2)**

The Grand Jury further charges that on or about October 2, 1998, in the Eastern District of Tennessee, the defendants, TYSON FOODS, INC., ROBERT HASH, GERALD LANKFORD, KEITH SNYDER, TRULEY PONDER, SPENCER MABE, and JIMMY ROWLAND, aided and abetted by each other by others whose names are both known and unknown to the Grand Jury, did use and cause the use of illegal identification documents, *i.e.*, Social Security account numbers, purporting to be those of the persons using the names listed below, knowing and having reason to know that the documents were false, for the purpose of satisfying a requirement of Section 274A(b) of the Immigration and Nationality Act:

<u>Count</u>	<u>Name Used</u>
24	Alonso BARDALEZ
25	Raul VILLANUEVA
26	Federico RUIZ

each such count constituting a separate violation of Title 18, United States Code, Sections 1546(b) and 2.

COUNTS TWENTY-SEVEN THROUGH THIRTY-ONE

**[CAUSING THE POSSESSION OF FRAUDULENT DOCUMENTS BY ILLEGAL ALIENS]
(18 U.S.C. §§ 1546(a) and 2)**

The Grand Jury further charges that on or about February 17, 2000, in the Eastern District of Tennessee, the defendants, TYSON FOODS, INC., ROBERT HASH, GERALD LANKFORD, KEITH SNYDER, TRULEY PONDER, SPENCER MABE, and JIMMY ROWLAND, aided and abetted by each other and by others whose names are both known and unknown to the Grand Jury, did knowingly cause, induce, aid and abet certain illegal aliens known as and using the names listed below, to possess documents prescribed by statute and regulation as evidence of authorized stay and employment in the United States, *i.e.*, Social Security account number cards purporting to be those of the persons using the names listed below, knowing said documents to be counterfeit and falsely made, and to have been otherwise unlawfully obtained:

<u>Count</u>	<u>Name Used</u>
27	Rebecca M. ZUNIGA
28	Cristina G. HERNANDEZ
29	Leonel C. TEJEDA
30	Janet MENDOZA
31	Antonio O. NUNEZ

each such count constituting a separate violation of Title 18, United States Code, Sections 1546(a) and 2.

COUNTS THIRTY-TWO THROUGH THIRTY-SIX

**[CAUSING THE USE OF ILLEGAL DOCUMENTS]
(18 U.S.C. §§ 1546(b) and 2)**

The Grand Jury further charges that on or about February 17, 2000, in the Eastern District of Tennessee, the defendants, TYSON FOODS, INC., ROBERT HASH, GERALD LANKFORD, KEITH SNYDER, TRULEY PONDER, SPENCER MABE, and JIMMY ROWLAND, aided and abetted by each other and by others whose names are both known and unknown to the Grand Jury, did use and cause the use of illegal identification documents, *i.e.*, Social Security account number cards, purporting to be those of the persons using the names listed below, knowing and having reason to know that the documents were false, for the purpose of satisfying a requirement of Section 274A(b) of the Immigration and Nationality Act:

<u>Count</u>	<u>Name Used</u>
32	Rebecca M. ZUNIGA
33	Cristina G. HERNANDEZ
34	Leonel C. TEJEDA
35	Janet MENDOZA
36	Antonio O. NUNEZ

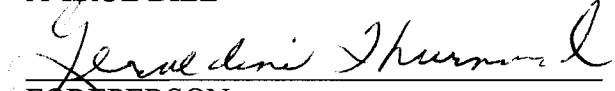
each such count constituting a separate violation of Title 18, United States Code, Sections 1546(b) and 2.

FORFEITURE ALLEGATIONS

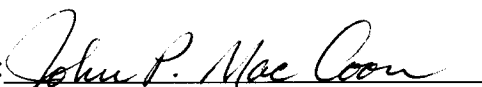
(18 U.S.C. § 982, 18 U.S.C. §§ 371 and 1546)


As a result of committing the conspiracy offense to violate immigration laws of the United States as alleged in Count One of this Indictment, defendants TYSON FOODS, INC., ROBERT HASH, GERALD LANKFORD, KEITH SNYDER, TRULEY PONDER, SPENCER MABE, and JIMMY ROWLAND, shall forfeit to the United States pursuant to Title 18, United States Code, Section 982, any property constituting or derived from proceeds obtained directly or indirectly as a result of the Count One conspiracy offense, that is, the financial gain derived from the offense alleged in Count One of the indictment, for which the defendants are jointly and severally liable; all in violation of Title 18, United States Code, Sections 371, 982, and 1546(a) and (b).

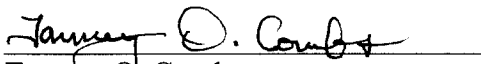
A TRUE BILL

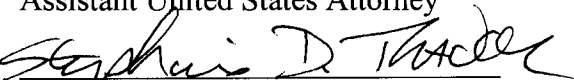

FOREPERSON

JAMES R. DEDRICK
ACTING UNITED STATES ATTORNEY
FOR THIS CASE

By: 
John P. MacCoon
Assistant United States Attorney


Matthew T. Morris
Assistant United States Attorney


Tammy O. Combs
Assistant United States Attorney


Stephanie Thacker
Trial Attorney
United States Department of Justice